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Defendant in Illicit Export of Bombers to Portugal Says C.I.A. Backed Sale

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By DOUGLAS ROBINSON
Special to The New York Times

BUFFALO, Sept. 21—

...for a British pilot ac-
cused of illegally flying war
planes to Portugal accused the
United States today of having
secretly sponsored the flights in
contradiction of its own policy.

The lawyer, Edwin Marger,
who is acting in behalf of John
Richard Hawke, the accused
pilot, told a jury in Federal
District Court that the Central
Intelligence Agency was behind
the operation last year.

"All through this trial, the
spooks will appear," he told a
jury of 10 men and two women
in his opening statement. He
explained that "spooks" is a
colloquialism in some circles for
agents of the C.I.A.

Mr. Marger contended that
the flights, which involved the
transporting of seven B-26
bombers to Portugal from May
to August of last year, were
carried out with the full knowl-
edge and cooperation of the in-
telligence agency.

Although he did not specify
in his statement just what the
planes were to be used for, he
said privately that Portugal
wanted the aircraft for use
against Communist Chinese
trained elements reported to be
preparing at that time to cross
the borders of Angola and Mo-

zambique, two of Portugal's
African territories.

Mr. Marger, who is one of
three defense lawyers, told the
jury that the flights, far from
being clandestine, were carried
out in the open.

"We have flight plans filed
by Mr. Hawke as well as fuel
bills and custom declarations,"
he asserted. "The pilot even ac-
cidentally flew over the White
House, prohibited territory,
causing an investigation by the
Federal Aviation Agency."

Mr. Hawke is among three
defendants on trial here, charged
with conspiracy and violation
of the Munitions Control Act,
which forbids the export or im-
port of armament or war ma-
teriel without a license from
the State Department.

U.S. Witnesses Sought

It was learned today that the
defense hoped to subpoena sev-
eral high-ranking present and
former officials of the C.I.A.
as well as one or two prominent
political figures.

The other defendants are
Count Henri Marie François de
Marin de Montmarin, a French
airplane broker, and Woodrow
Wilson Roderick, a former resi-
dent of Winnipeg, Canada, said
to be the middle man in the
case.

The alleged leader of the oper-
ation has been identified as

Gregory R. Board, owner of
Aero Associates, Inc., of Tuc-
son, Ariz. He is now living on
the island of Jamaica.

Mr. Marger contended in his
statement that the Government
allowed Mr. Board to leave the
country. He also charged that
Federal authorities had done
nothing to get him back for
trial.

The attorney also asserted
that Federal authorities were
aware of the seven flights and
did nothing to stop them. He
said the bombers had been in-
spected during refueling stops
by both customs agents and
members of the Federal Bureau
of Investigation.

"There were many little men
in black suits who spoke to
him and helped him on his se-
cret way to Europe," Mr.
Marger said of Mr. Hawke's
flights.

The attorney for Mr. Mont-
marin, Edward Brodsky of New
York, told the jury that his
client knew nothing of licensing
regulations and had "every rea-
son to believe that all the neces-
sary papers had been obtained
by Mr. Board."

Translator Present

Mr. Montmarin, who speaks
virtually no English, had the

services of a translator during
the trial.

The third defendant, Mr. Rod-
erick, is represented by Paul I.
Birzon of Buffalo, who did not
make an opening statement.

For the Government, United
States Attorney John T. Curtin
said that the prosecution would
prove that all three defendants
were guilty of violating Federal
law.

Late last year the United
States told United Nations dele-
gates that the flights had been
carried out without the knowl-
edge of the Government.

Earlier, Zoltan Szilagyi,
a Hungarian delegate, had
charged that the bombers had
been delivered on the secret in-
structions of the United States,
in violation of its pledge to the
United Nations that no such
aircraft would be sold to Portu-
gal because of the possibility
that they might be used in
Africa.

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